

Town of Halfmoon Planning Board

September 28, 2009 Minutes

Those present at the September 28, 2009 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Planner: Lindsay Zepko

Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the September 28, 2009 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 14, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the September 14, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Nadeau and Mr. Ruchlicki abstained due to their absence from the September 14, 2009 Planning Board Meeting.

Public Hearing:

09.075 PH Coppola/Milter/Slade Subdivision, 179 Upper Newtown Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Drew Schauffert, of Santo Associates, stated the following: I am representing the applicant's for this project. Coppola, Milter and Slade currently own a parcel of 52.6-acres with frontage on Upper Newtown Road. The proposal is for a 2-lot subdivision and a boundary revision. The lot to be created would be a 2-acre lot with a proposed house and septic system to be conveyed to Lester Slade, Jr. who is one of the owners. There would also be a proposed lot line revision whereby the Coppola's would acquire another 1-acre lot out of the main parcel and combine it with their existing lot. Currently there is public water along Upper Newtown Road so there would be no wells. All of the houses and the proposed house would be serviced by public water. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm. Mr. Higgins stated at the previous meeting I requested that if there were any adjoining wells that they be noted on the drawing and Mr. Schauffert just stated that there were no wells on the adjoining property. Mr. Schauffert stated the following: There is no well that we can find. The neighboring house is serviced by public water and the woman who was staying in the house when we were there that day said there was no well. So we have added that to the map along with a

note saying that there was no well and it is serviced by public water. Mr. Roberts asked if we had heard back from the County. Mr. Watts stated yes we have and there was no comment.

Mr. Roberts made a motion to approve the minor subdivision application for Coppola/Milter/Slade. Mr. Nadeau seconded. Motion carried.

New Business:

09.065 NB Law Office Of Richard J. Herrmann Jr., 440 Route 146 – Change of Tenant

Mr. Richard Herrmann, the applicant, stated the following: I am proposing to purchase Oscar Schreiber's law office and I would like to turn it into my law office. Mr. Watts stated your hours of operation state that you would be 9:00 am to 6:00 pm and 9:00 am to 5:00 pm with 2 full-time employees and 1 part-time employee and asked if that was correct. Mr. Herrmann stated actually now there is just 2 people total. Mr. Higgins asked is the site going to stay exactly as it is now or are you going to do renovations either interior or exterior? Mr. Herrmann stated the following: My plan is to do an entranceway and make it handicap accessible with a ramp, put something like a breezeway in the front probably 10 FT x 12 FT and rip out the kitchen and turn that into a handicap bathroom. I don't think I have to do all that but I think it makes you guys happy so that is my plan. Mr. Watts stated if you didn't do the renovations when you went to get your building permit, they would have brought that up but we wanted to caution you and just point that out to you. Mr. Ouimet asked if there was a sign associated with this application? Mr. Herrmann stated the following: I don't have a sign application now. There is a sign there now that Mr. Schreiber had but I will probably do it differently than what he had. I thought while the construction was going on I would work on the sign application and then come back to the Planning Board about the sign.

Mr. Ouimet made a motion to approve the change of tenant application for the Law Office of Richard J. Herrmann, Jr. Mr. Higgins seconded. Motion carried.

09.078 NB Stewart's, 185 Guideboard Road – Sign

Mr. Mike Bombard stated the following: I represent Stewart's who is proposing to make an adjustment to our existing freestanding sign. We would replace the lower three-price panel with an LED sign that would have a single price and there would be no change in the dimensions of the overall sign. Mr. Higgins asked is the intensity of the LED's adjustable. Mr. Bombard stated the following: Yes it is. It is adjustable and it is automatically adjustable? At nighttime they are dimmer and in the direct sunlight they will brighten up to try to overcompensate for the sun but at nighttime they get darker. Mr. Higgins stated I think you might want to have some of them checked because they seem to stay extremely bright even at night. Mr. Bombard stated absolutely, currently we have other signs out there but if they are staying bright at dark, then we will have them adjusted. Mr. Higgins stated I know several members of the Board have commented that they seem to be awful bright to the point where we're concerned that it might be a safety issue. Mr. Bombard stated we will get those signs checked.

Mr. Roberts made a motion to approve the sign application for Stewart's. Mr. Nadeau seconded. Motion carried.

09.079 NB Pai's Tae Kwon Do, 1580 Route 9 – Change of Use

Mr. Ouimet recused himself from this item. Ms. Krystal Pai, the applicant's daughter, stated the following: I am representing the Pai's Tae Kwon Do business. We are proposing an after school program. I think we already have an approval but Mr. Williams stated that we needed to review the traffic situations. I think it won't be a problem because we have classes going on from 4:30 pm on in the afternoon after school. We are asking for the buses to drop the kids off at 2:30 pm to 3:30 pm so

there won't be any cars in the parking lot and it won't be causing any traffic issue. When the kids are getting picked up individually by their parents, it should be around 5:00 pm to 6:00 pm and that shouldn't be a traffic issue as well because we have over 90 spots in the parking lots which is well over accommodating for all the students for the Clifton Park school as well as the customer's for the Freihofer's business next door. Mr. Watts stated the application indicates total hours and asked what are your hours of operation on Monday? Ms. Pai stated Monday through Friday it is 4:30 pm to about 8:30 pm. Mr. Watts asked what would your new hours be? Ms. Pai stated the new hours would be from about 2:30 pm to 8:30 pm and including the after school program that we are proposing. Mr. Watts asked for more of a definition of what your after school program is and what it will consist of. Ms. Pai stated what we are trying to do is we are trying to give an opportunity to parents around the community to have a place for their children to go after school. Especially since they're going to be coming home from work probably around 5:00 pm and the students come home from school around 2:30 pm or 3:00 pm. So, we're trying to provide somewhere for these students to go and for their parents to feel safe about where their children are going. We can help them with their homework, work on a little bit of self-defense and enrich these students with these types of materials. Mr. Nadeau asked is this like a daycare? Ms. Pai stated yes sir. Mr. Higgins asked what age group? Ms. Pai stated it is mostly all elementary school age group so anywhere from kindergarten through fifth grade. Mr. Higgins asked do you have to be licensed by the State for this? Ms. Pai stated yes sir; my dad had his licensed approved not too long ago. Mr. Watts asked in what? Ms. Pai stated in having an after school program. Mr. Watts asked what State agency issued the license? Ms. Pai stated a New York State agency but I am not exactly sure which one. Mr. Watts stated the following: In the application it says permits required from other agencies (check all that apply) and you checked the Department of Health and the Department of Health does not license daycares or similar things. Has an application been submitted to a State agency to operate a facility of some sort? Ms. Pai stated I believe so. Mr. Watts stated you believe so but you don't know. Ms. Pai stated no. Mr. Watts stated this information would be required. Mr. Higgins stated the following: Do you have any kind of site plan with the traffic flow of how the buses are going to get in and out of the site? We've required that for previous applicant's with similar type situations and also do you have a letter from the school's transportation authorities that are going to be sending the school buses and that they are acceptable of the traffic arrangement? Ms. Pai stated I don't have that right now and I am not sure if Master Pai has that it but I can ask him. Mr. Higgins stated I think the Board would like to see both of those items; a site survey with the traffic pattern where the stacking would be and also correspondence from the school bus transportation authorities that are going to be sending the buses to the site. Ms. Pai stated okay. Mr. Watts asked what school districts would be sending buses? Ms. Pai stated Shenendehowa, St. Mary's in Saratoga and Saratoga Schools as well but mostly the Shenendehowa School District and Mechanicville. Mr. Watts stated the following: Again not to belabor the point; "mostly" doesn't work. We need to know what school districts you anticipate having people come from because that would give us an indicator of the number of buses that would be arriving so we can do a more clear delineation of the traffic patterns. That is the reason why we need to know that. Ms. Pai stated okay. Mr. Higgins asked are you still maximizing the site at 45 children on-site at any one time? Ms. Pai stated yes sir we are. Mr. Watts stated we would need proof of licensing and the bus traffic patterns and asked when they were aiming to start this program. Ms. Pai stated I think as soon as we can get approval from this Board and the schools. Mr. Watts stated please get this information to us as soon as you can and get that into our office.

This item was tabled for the applicant to provide a plan showing vehicular traffic flow on-site and letters from transportation departments of involved school districts approving the routes.

09.080 NB Best Auto Body Inc. & Halfmoon Self-Storage, 862 Hudson River Road – Sign

Mr. Dave Flanders, of David A. Flanders Associates, stated the following: I am here tonight with Mr. Al Batchelder. We are proposing to change an existing sign that is advertising Best Auto Body and Halfmoon Storage. The existing sign that we have now shares a sign position with the industrial park that the facilities are within. Currently the sign is not very visible and they have had numerous problems with customers trying to find the site. We are here tonight to make application to install a new sign and remove the old sign on the other side of the entrance driveway as shown on our plan. I believe the applicant has already submitted renditions of the sign. Mr. Roberts stated I have a copy of the sign application and rendition and the sign conforms to Town Code and it is not in the right-of-way and asked how the sign would be lit. Mr. Flanders stated the sign would be lit with fluorescent light bulbs from inside. I believe the bulbs are 40 watts and there would be 3 bulbs in each sign and there shouldn't be any glare or any projection of light.

For the record: The Planning Department Topics read as follows:

Sign Size: **78 SF**

Sided: ☐ one-sided ☒ Two-sided

Sign Dimensions: Two Face plates, Self Storage is 15 SF and double sided and the Autobody is 24 SF and double sided

Location of Sign: eastern north edge of site on Route 4&32

Lighted: ☒ Internal ☐ Flood

Total Height:.12 ft

Brief Description: The applicant wishes to place a free-standing sign on Route 4&32 to advertise two businesses. The site is a flaglot. The sign is proposed to have two panels, one is 15 SF for the Self Storage and the other is 24 SF for the autobody business. The sign is to be double sided and internally lit. The proposal shows a peaked roof over the sign that brings the total height to 12 ft. The sign is conforming to town code.

~LZ

Mr. Roberts made a motion to approve the sign application for Best Auto Body Inc. & Halfmoon Self-Storage. Mr. Nadeau seconded. Motion carried.

09.081 NB Pohl Subdivision, 13 & 15 Pohl Drive – Minor Subdivision/Lot Line Adjustment

Mr. John Hartnett, of Charles E. Hartnett Land Surveying & Planning, stated the following: I am representing the Pohl's for this lot line adjustment. The Pohl's own 2 pieces of property off Pohl Drive, which is off of Upper Newtown Road. One piece of property is larger than the other piece and there is an existing house on each piece of property. They would like to take a portion of the property from one lot and annex that to the other piece. On the plans the orange is the existing larger parcel, the green represents the existing smaller parcel and the striped area is the part of the larger parcel that would be joined to the smaller parcel. There is public water and individual septic systems. Mr. Higgins stated it says that there is an existing right of egress and asked if that was from the owner's that are conveying property to a relative. Mr. Hartnett stated the following: Yes there are some other relatives on the two lots in the back and they have a driveway that comes along the side of these properties. The actual frontage for all of these pieces is just a very small piece of property, which is part of this parcel. There is a mutual right-of-way that each party has the right to either side of that. Mr. Higgins asked does the parcel that is being enlarged have access through the driveway on the right or the one on the left? Mr. Hartnett stated the one on the right that runs through the orange parcel. Mr. Higgins asked if there was an easement in writing granting them rights across that property. Mr. Hartnett stated yes. Mr. Higgins asked if the Town Attorney has looked at this? Mr. Watts stated not that I am

aware of. Mrs. Zepko stated if there is an existing easement, that goes with the deed of the property. Mr. Matt Chauvin stated that would be correct, but I don't know if you are proposing an alteration to the access. Mr. Hartnett stated there would be no change in the access. Mr. Chauvin stated in which case you wouldn't need it as long as it was there and it would run with the property. Mr. Higgins stated we can make the approval contingent upon verification that they do in fact have an easement and it is not landlocked. Mr. Nadeau asked what is the purpose that you are adding to the smaller lot because they are still non-conforming lots? Mr. Hartnett stated the following: The Pohl's live in one of the homes and they are going to sell the second parcel that they own to their nephew and before they let it go, they want to make the parcel that they live on a little bit larger. The nephew has some long-term plans of possibly building a house in the back and demolishing the house that is there. Before the applicant gets rid of this piece of property, they just want to make their own piece a little bit larger.

Mr. Ouimet made a motion to set a public hearing for the October 13, 2009 Planning Board meeting. Mr. Higgins seconded. Motion carried.

09.082 NB Lot #1 Halfmoon Heritage Apts., Fellows Road – Major Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: I am representing Mr. Bruce Tanski in this proposal. The purpose of this subdivision map is to define that portion of Lot #1 that was subject of the subdivision of Halfmoon Heritage Apartments, which subdivided the apartments into 2 parcels for financing purposes. When that subdivision was done, it was not known exactly how large the parcel that was to be conveyed to the Town of Halfmoon in the future was going to be. This summer a subdivision was approved that established a lot line conveying 6.7-acres to the Town. No map was ever approved that defined what we're calling now Lot #1 of that subdivision. The only purpose of this lot being created is to be used for mortgage purposes in the financing of the overall subdivision. Everything is consistent with the overall Halfmoon Heritage Apartment Planned Development District (PDD) and it was just this small portion that was not clearly defined and shown on a filed subdivision map as being 5.65-acres in size. Mr. Higgins stated in a previous approval Mr. Tanski agreed to erect a fence behind several of these lots; one of which is now going to be partially for the Town of Halfmoon and asked if Mr. Tanski is still going to build the fence that he committed to prior to the land being conveyed to the Town? Mr. VanGuilder stated I'm sure that if Mr. Tanski made that commitment he will live up to it but I will speak to him about it. Mr. Higgins stated it was part of the subdivision agreement for across the road and it was behind at least 2 if not 3 of the adjoining lots that are shown on the map. Mr. VanGuilder stated the following: I believe that this parcel has now been incorporated into the subdivision so I think the 2 that we would be talking about are Mayville and Dave's Towing. We will look into that and I'm sure it will be taken care of. Mr. Watts asked Mr. Polak if the Town was accepting the property. Mr. Polak stated yes.

Mr. Ouimet made a motion to set a public hearing for the October 13, 2009 Planning Board meeting. Mr. Higgins seconded. Motion carried.

Old Business:

06.123 OB The Moorings of Halfmoon, Stone Quarry Road/Route 9 – Multi-Family PDD

Mr. Joe Dannible, of the Environmental Design Partnership, stated the following: I am here tonight on behalf of Capital District Properties and Mr. Bill Hoblock presenting the application of The Moorings of Halfmoon Planned Development District (PDD) (*formerly known as Hudson Ridge PDD*) site plan approval for 200 apartments. I would like to relay a message from Mr. Hoblock: he is very sorry that he could not attend this meeting tonight as he had prior commitments with his son and a birthday party down in Disney World. Mr. Hoblock likes to present to this Board, he has worked hard with this Board over the past several years to get where we are today and he offered his sincerest apologies for

that. The PDD was originally proposed in the fall of 2007 with a site plan similar to what I am presenting tonight and this is the plan that is attached to the PDD. I would like the Board to look at and notice the major site elements and the road alignment, as it exists in this drawing because this will be important as we move through and show that it is a new layout that is generally consistent with the original approved PDD. Throughout 2007 and 2008 we worked on the detailed engineering's for this site plan; modifying the buildings slightly, modifying the road layout slightly and we came up with a design similar to what you see here. Again, a very similar road layout and you will notice that a second wetland crossing was eliminated in one area as we found as we were working through original plans that it just wasn't feasible to do that level of wetland permitting for this project. Through the remainder of what we worked on with these plans; we submitted detailed plans on this layout to CHA at the end of that year. Earlier this year we received an extensive comment letter from Mr. Mike Bianchino of CHA. As we were going through that comment letter we did find some areas where the site plan could be improved upon. Some of the comments that were offered, many of them were addressed and we added into our site plans and CHA did an extensive review and provided us with some great information that helped us bring the site plan to where it is today. After we worked through that comment letter, we sat down with members of the Planning Department; Mr. Watts and Mrs. Zepko and Mr. Bianchino was also present at that meeting. We again looked at the site plan and you will notice that there are a couple of differences between the two of them. One of the recommendations was that there is a safety concern between this loop that was shown on the plans. A section of the road was graded at about 10 or 12 percent and CHA expressed some concern about the safety of fire trucks and larger vehicles in the winter conditions in this area on those slopes. Subsequently we have removed that from the plans dividing it up into two dead-end streets. Other recommendations from CHA were in regards to the maintenance and recycling building located right at the entrance on Stone Quarry Road that wasn't the most esthetically appealing idea that we've had and we then took CHA's recommendation of sliding 2 units forward and pushed the maintenance building to a central location on the site that would be hidden from a majority of the traffic on Stone Quarry Road. There were several other CHA comments that we addressed and that has all been presented and reviewed in the comment letters that we have been working back and forth on during 2009. We have spent about 9 months reviewing this project with CHA and today we received a letter from CHA stating that all of their previous comments have been adequately addressed and they see no reason not to grant a 5-acre waiver for disturbance. We are here tonight looking for preliminary site plan approval which would allow us to move the project beyond the Town and to get involved with the outside agencies and start receiving additional comments from those offices. I will now present a brief project site stats and an overview. What we are looking at is a 200-unit apartment development located on Stone Quarry Road and Route 9. The project sits on approximately 32-acres; there are 2 site entrances off Stone Quarry Road, a community clubhouse, a maintenance and recycling building and various other site elements with the roads the way they are set up here. There would be 4 stormwater management areas all designed as wet ponds. A wetland mitigations site for the impacts that are proposed, a connection to public sewer and a connection to a public waterline that is proposed along Stone Quarry Road and again a road alignment that is consistent and in the general intent of the PDD that was approved. There are 4 project components that contribute and would help enhance the quality of life, not only for the resident's of this community but also resident's within the Town of Halfmoon. These 4 components are the public benefits, the amenities, the site design elements and the quality of the architecture proposed. There are many public benefits and they are significant to the Town. The first public benefit is the reconstruction of the intersection of Stone Quarry Road and Route 9 where we are going to change the profile of the road and make better stopping sight distance for anyone traveling on that road to Route 9. A second public benefit on the other end of Stone Quarry Road on Woodin Road which is another bad intersection and a several hundred foot section of Woodin Road is going to be re-graded down to get rid of a knoll and to provide better sight and stopping distance for people traveling in that corridor. A third public benefit is in regards to capacity issues up

at the sewer located at Guideboard Road and Grooms Road and the applicant is going to reinstall and revise some of the sewer piping in that area to alleviate some of that congestion in that area. Another public benefit would be major upgrades at the Birchwood pump station contributing to that capacity issue. Another part of a public benefit is that we would be providing sewer to Vandenberg Park down at the corner of Woodin Road and Stone Quarry Road and any residents that live along that proposed path will have the ability to tap into that facility at their request. Another public benefit would be that we are looping the entire Town of Halfmoon water system from Route 9 down to Woodin Road and any person on that route who desires a connection to that waterline will be provided with a tapping facility. Site amenities would be; a clubhouse with a fitness center, a pool with a patio area, community mail delivery, sidewalks and walking paths throughout, attached and detached garages, on-site storage facilities for the residents and auxiliary garages. Site design elements; the site has been designed to maintain a good area of green space in the environmental areas and beyond. There is an attractive streetscape providing sidewalks, street trees, ornamental lighting and parallel parking. The streetscape coincides with the new theory and new urbanism that everyone is talking about. Then there is also the quality of the architecture of these buildings. This is planned to be one of the premier rental properties in the Capital District. When they were designing this, nothing was set aside. Many of their construction details and furnishings exceed the standards we have come to know as apartments in the Capital District. There are spacious floor areas, attached garages, and gourmet kitchens. The Paddocks is their newest community up in Saratoga and feel free to go up there and take a tour of this facility. Mr. Watts stated that has been done. Mr. Dannible stated the following: In closing, the plans are generally consistent with the approved PDD. Both the Planning Department and CHA have reviewed the plans and have agreed that it is consistent, there are extensive public benefits provided for this project, we received a letter adequately addressing all CHA comments. Again, we are here tonight for preliminary site plan approval. Mr. Watts asked Mr. Bianchino if he had an opportunity to review everything and if all of the previous concerns of the Planning Board had been addressed. Mr. Bianchino stated yes. Mr. Higgins asked has everything been straightened out regarding the modifications at both ends of Stone Quarry Road and asked if these modifications required some public letters allowing them to work on public property? Mr. Bianchino stated all the work is being done in the right-of-way (ROW). Mr. Higgins stated again, this is going way back because this project has been around for a while but I thought there were some private properties that were going to be affected. Mr. Bianchino stated the work would be done at the end of their driveways in the area where the road is lowered but I believe that all of the work to be performed will be in the public ROW. Mr. Higgins stated I know that some of those residents were at the original public hearing and they questioned about the extents of the work on their properties but if it is all within the Town ROW then it is not a problem. Mr. Watts asked for a motion.

Mr. Higgins made a motion to grant preliminary approval as submitted for the Multi-Family PDD for The Moorings of Halfmoon. Mr. Roberts seconded. Motion carried.

09.029 OB Pan Am-Southern Railroad, Round Lake Ave. – Commercial Site Plan
(Intermodal & Automotive Railyard Facility)

Mr. David Becker, Assistant Chief Engineer of Design and Construction with Norfolk-Southern Railway Company, stated the following: I am representing Pan Am-Southern LLC. Pan Am-Southern LLC is joint-venture that was formed between the Pan-Am Railways and Norfolk Southern Corporation effective in early 2009. As you are aware from our earlier presentations to the Board and from our multiple working sessions with the Planning Board, the Planning staff and CHA we have presented a site plan proposal for the development of an intermodal and automotive facility that is primarily located in the Town of Halfmoon. The facility and the company that operates at Pan-Am Southern was subject of a Federal Surface Transportation Board action. That action was completed on March 10, 2009 and prior to that the Surface Transportation Board's section of Environmental Analysis conducted an

independent review of the environmental impacts of this project and a larger transaction as a whole. They issued an Environmental Assessment Documents, which was a preliminary National Environmental Policy Act document (NEPA) to the various affected communities and the public on November 14, 2008. That document requested comment and comments were received by the Surface Transportation Board section of environmental analysis and a post-environmental assessment NEPA document containing the project's required mitigations was issued on January 30, 2009. Following that, we made application to the Town of Halfmoon for a commercial site plan application and also requested that the State Environmental Quality Review Act (SEQRA) be initiated for the project. As I mentioned, we have gone through a variety of meetings and a public meeting on this project. I am going to focus on the issues that have changed since that public meeting. Primarily they were following up and answering questions at the Planning Board had had in resolving some issues that were unresolved at that time. Principle to that one of the key issues was queuing of the gate area. The gate area is the location where vehicles would enter the new site from the private access road from Route 67 onto the main site. There was a concern that was presented to the railroad about how much traffic could queue in our gate area to avoid being out on the highway. We have presented to CHA and the Planning staff that that queuing area would accommodate up to 30 tractor-trailers in a static condition, which we would not have because our gate area would be operating 24 hours a day and would be a dynamic entry and exit process. However, in a worse case scenario up to 30 vehicles could be accommodated. So we feel that is much greater than the anticipated demand at any one time and that information has been presented to CHA and the Planning Board. Another issue that was discussed was emergency services. When I last presented this project to the Board we had not resolved that issue and it is our understanding from guidance from the Board and the Planning staff that emergency services have resolved now and that the Hillcrest Fire District will be the lead responder supported a mutual aid basis by the City of Mechanicville's Fire Department. Another issue was the ability to have these emergency services have access to the site on an as needed basis. As you are aware, we had planned an emergency secondary access coming from Railroad Street in the City of Mechanicville on a private gated drive and that gated drive would be equipped with a Knox Box and all appropriate local emergency personnel provided access through that in case of an emergency. Another important issue that was raised at our April 2009 meeting was the issue of open space and recreational usage. Saratoga County PLAN, the group that has been advocating for completion of the Zim Smith Trail System from Ballston Spa to the City of Mechanicville presented on April 27, 2009 and then followed up with a meeting with us looking at what options there might be to provide some access to this contiguous site for purpose of recreation. The railroad took a hard look at this and we have come back and will make an offer to Saratoga PLAN and we have presented this to the Planning Board staff to provide them a donation of 2 parcels of property on the south side of the site that would total approximately 5.8-acres. These 2 parcels if combined and utilized for trail purposes would provide up to 5,000 additional linear feet of trail if and when the trail systems is able to be fully completed from the Coons Crossing Road area down to the Elizabeth Street Extension area. So we are willing to offer that to foster that community effort. Another item that we have had a lot of discussion on was lighting of the facility and as CHA and the Planning Board staff is aware, we have made a commitment to use full cutoff illumination fixtures on the entire site. All fixtures would be downward cast and inward facing to the facility in order to avoid light bleed and to minimize any light pollution. A particular concern was of the residents above the site and we have examined and taken into account the height of the high mass towers that are going to be installed for the primary lighting in relation to the occupied floor level of those structures and we have presented that to CHA and that would not be an issue because those residents will be above the light tower elevation. I would like to reiterate again with the lighting this would be downward casting lighting not stadium lighting as you might see at a sports recreation type facility. We had a variety of other issues that we have dealt with traffic. Again, at the entrance area traffic was an issue and we've committed to put signage to direct the traffic toward Interstate 87 and along Route 67, which is the designated truck route that would take trucks to the Northway area and

Route 9. Approximately 90% of the vehicles using the site would be going in that direction based on market information and we will mount highway size signs within the gate area that specifically direct drivers to take left turn movements only and direct their route. We are committed to working with the communities and the local police agencies in all ways possible to deal with any issues that could possibly develop from a road truck driver not following direction. Again, we can control what is on our property and would rely on policing and we are certainly willing to partner with the communities in any way possible to do that as well as any issues on noise from improper truck operation that might arise. We have also provided to CHA and the Planning Board a hydraulic study and an analysis of the Anthony Kill area to the west of the proposed entrance. One concern was because a portion of the entrance is in a flood plain area and what the impact on upstream portions of Anthony Kill would be. The hydraulic study that we submitted provides evidence that the impacts by locating the bridge where we did would have a minimum impact on the water elevations in the Anthony Kill and that any of these minor impacts, if they would occur, would fully be on property that is owned by Pan-Am Southern and the wetlands and the flood plain areas that are under our property ownership. Those were the primary things that we were asked to address since we had met with you last. Other than that our operational characteristics have not changed, our projection of traffic has not changed. We are still anticipating that the facility would be served by 2 trains each way per day and that the facility would be operating as we previously indicated on a 24-hour basis. Although the vast majority of the truck traffic would arrive and depart the site between the hours of 7:00 am and 10:00 pm and the rail operations potentially could be at any hour. Pan-Am Southern believes that this project would be a very great economic driver for the Capital Region, Saratoga County and the communities that are involved. We also believe that we have actively responded to the issues and concerns raised by the Planning Board and that we have taken relevant and appropriate steps in our final design to address the issues that were brought forward. Pan-Am Southern is committed to constructing and operating the proposed facility in a highly responsible manor with the issuance of a Negative Declaration and that our site plan application be approved. Mr. Watts asked Mr. Bianchino if he had an opportunity to review and prepare the SEQRA declaration asked if he felt that there were any outstanding issues at this point. Mr. Bianchino stated the following: I think that Mr. Becker has summarized the outstanding issues and they did provide to our office and the Town significant backup documentation to address those comments. We reviewed all that information and we did find that our outstanding issues have been addressed. As part of the review, previously we had prepared for the Board's consideration a recommendation for a Neg. Dec. pursuant to SEQRA. Then as other issues were identified we reviewed that updated information and revised our Draft documents for a Neg. Dec. to SEQRA to include all the issues that have been provided and additionally reviewed on the Board's behalf. At this point we have documentation supporting our position to recommend a Neg. Dec. to SEQRA. Mr. Nadeau asked on the 5 plus acres being donated to the County would that tie the two ends together? Mr. Becker stated the following: It would not tie the two ends together but it would provide a significant chunk of the property on the southern side of the site. We examined our holdings all the way from Coons Crossing Road to where the property enters at the Elizabeth Street Extension which the PLAN group had indicated in our working session that they were interested in. Certain areas along that corridor, particularly in the western portion, we are unable to provide any right-of-way because we simply don't have it. Another railroad; the Canadian Pacific Railroad, is an active user of the property along with us through there. So we took a look at what areas we could utilize and primarily they are between one point and then there is a gap where we cannot provide any and then we would pick it up again. I have provided this information formally. Some of the gap is on the Fairways of Halfmoon Tanski property and we have tried to provide as much property as reasonably possible given that we do have some security and operational concerns and we just have to leave a buffer between the operating right-of-way and the donation track. Mr. Nadeau asked regarding the entrance, is there going to be a turning lane off Route 67? Mr. Decker stated the following: The way the bridge has been designed on Route 67 is that it is a wide bridge and it has been purposely designed to work with

Route 67 and provide adequate turning radius into the site. The lane configuration on the bridge itself is non-symmetrical and we have provided CHA with all the turning diagrams and the backup information for that as well. Mr. Higgins stated the following: As far as the lighting, I understand a concern was expressed and the Board understands the need for the type of lighting that you're going to provide and the height of the poles. It is a very specific application and a very specific type of lighting for this application and if the Board does approve it, it would be solely on this type of application and we don't want to set a precedent for any industrial application in the Town to come with the same type of lighting. This is why Mr. Bianchino looked at it very specifically for this application and it is very defined lighting for this specific application and may not be the same type of application with any other industrial applications. So you are supplying areas on both ends but because of the size of the area in the middle, did you say that you can't allow that because it is too close to the tracks? Mr. Becker stated the following: That is correct. We have an area where because of the topography we have to utilize the property for our drainage area and our embankments slopes. We've have looked at those areas where we could provide a 50 FT wide swath, which would be more than adequate for any design that the PLAN group could come up with and that would be free from anything that would get near the slopes of the facility or any of the other structures of the facility and really is the best that we can offer. Mr. Higgins asked Mr. Bianchino if he knew if they had looked at that and if they are acceptable with that? Mr. Bianchino stated we had a meeting where a representative from PLAN was there and we talked about what the potential was for what we thought would work and still allow us the ability to go on either side and they were comfortable with that at time and that is exactly what we got. Mr. Higgins stated okay as long as they are aware of the limitations of what they're getting. Mr. Ruchlicki stated the following: I think for the most part that everybody covered everything that I would have commented on. Regarding the issue with the width of that 50 FT area, I'm assuming that the creek is part of the problem there based on the property that is available. Mr. Becker stated actually it is part of the area that we're proposing to donate and that is up above the creek area on the south. Mr. Ruchlicki stated no, I am referring to the area that isn't going to be used. Mr. Becker stated the following: Yes, correct there is a creek that runs down along through there, which is actually a jurisdictional Army Corps of Engineers (ACOE) regulated stream course that runs down along the side of the site which we are in the process of permitting with our ACOE permit. Obviously we would not be able to convey property that is encumbered by a wetland area. Again, that is one of the issues that we looked at. We also looked at providing a portion of the area down here and Canadian Pacific Railway would ultimately have ownership through there. They were very adamant of not having a direct neighbor so we have maintained a buffer that would be owned by Pan-Am Southern so we could accommodate the desire of the community and hopefully resolve that issue. Mr. Roberts asked how many trains a day would be using this site? Mr. Becker stated the following: The facility would be served by 2 pair of trains a day. On Pan-Am Southern's route between Glenville over through and into Massachusetts they also operate several other trains about 2 to 3 a day and the Canadian Pacific operates about 3 pair a day through there. But the facility itself would be served by 2 pair of trains a day. Mr. Ouimet stated I would like to say that I think the applicant has done a lot to address the concerns raised by the Board, by the Town and by our engineers and he seems to have really tried to work with us to make this project a welcome project for our community and I would like to thank him for that. Mr. Watts asked Mr. Chauvin if he had any legal issues. Mr. Chauvin stated no, not based on what has been presented here this evening. Mr. Watts stated I know the applicant has worked with the Town, with the County, with PLAN, the Town Board and the Planning Board to bring this project to a reasonable conclusion recognizing the certain issues that are going to be there with the traffic on Route 67 but the New York State Department of Transportation (NYSDOT) has looked at that and the Surface Transportation Board has looked at that. Mr. Becker stated that is correct. Mr. Watts stated the following: I know the issues that the Town of Halfmoon raised relative to traffic. There were mitigations made at the trucking entrance at the entrance to the site. Mr. Becker stated that is correct. Mr. Watts asked what were those mitigations?

Mr. Becker stated the following: The mitigations were the inadequate sizing of the bridge along with turn restrictions and those were the primary ones. Other mitigations were the gate area and configuring the gate area so that we would eliminate any queuing. I know queuing both on Route 67 and then elsewhere; you've indicated elsewhere on your road network is beyond our control. Obviously we can't control that but we could provide a good area here for the vehicles and that is what we attempted to do. Mr. Watts asked Mr. Polak if the Town Board had any issues. Mr. Polak stated the following: Supervisor Wormuth has been our lead on that and has conveyed to the Town Board what has been going on. I think you did a great job on the site and the mitigations.

Mr. Ouimet made a motion to grant a Neg. Dec. to the State Environmental Quality Review Act (SEQRA) and made a motion to grant a preliminary site plan application for Pan Am-Southern Railroad (Intermodal & Automotive Railyard Facility). Mr. Mr. Roberts seconded. Motion carried.

09.077 OB Will Nails, 1525 Route 9 (Plant Road Plaza) – Change of Tenant & Sign

Mr. Ryan Hancox stated the following: I was asked to accompany Mr. Wei Shi here tonight to help with communications, as his English isn't the finest. Mr. Watts asked Mr. Hancox if he was representing the owner of the plaza? Mr. Hancox stated I actually work as an advisor to the owner of the plaza and I am here tonight on behalf of Mr. Shi. Mr. Watts stated but you are representing the owner of the plaza and you are speaking for Mr. Shi. Mr. Hancox stated the following: That is correct. I am actually a member of the Planning Board in Albany and that is why he asked me to be here tonight. I would like to submit a letter to the Board to help clarify some issues. I guess the major concern has been regarding the parking. Mr. Shi has rented several apartments for his employees and his employees do not drive. Mr. Shi would be bringing his employees to the facility and bringing them back in the evening. We have records of the apartments that have been rented with contracts, etc. Mr. Shi would only have 3 employees and they can only handle one client at a time. So, even though the site is 1,650 SF, he is going to be operating as an appointment only so there would not be walk-ins coming in, there is not going to be a long waiting list and there is not going to be an overflow in the parking lot, etc. We have changed the site to eliminate some of the staging areas. I think there was some confusion because of the number of staging areas. The clients would be rotated through the staging areas as they go through the procedure. So, there would only be one customer per employee per time. We are proposing 12 parking spaces and we don't ever foresee that there is going to be really more than 4 customers at a time in the shop. Again, the employees will not be requiring parking spaces, as they will be brought to and from the establishment. Mr. Ouimet asked if you have 8 stations why do you only anticipate having 4 customers at any one time? Mr. Hancox stated the following: There is only going to be 3 employees, it is going to be appointment only, there will not be any walk-ins and the employees can only handle 1 client at a time. Mr. Ouimet asked then why have so many stations; you seem to have 4 extra stations? Mr. Hancox stated the building has been divided up into it's smallest usage so the intentions is to outfit the building appropriately. Mr. Ouimet asked so is the intention to increase the number of employees assuming the business gets established and they start getting more and more customers? Mr. Hancox stated the following: If that were to happen, we would come back before this Board to address the parking situation. What you have to understand is that you're counting all these stations and the way it works is that they will go from the pedicure station to a drying table, etc. so there is no possible way that all the stations could be occupied at one time. Mr. Ouimet stated I understand that but if you take a customer from one station and one employee working on that customer and that customer then is finished and moves to a drying station, then that employee can take another customer. Mr. Hancox stated the following: At the time when the customer is at the drying table they would also have massage services available. The intention is not to have multiple clients rotating through the shop at any one time. If the applicant did propose to bring in more employees, he would certainly come back before the Board to address the parking issue as it stands currently. Right now the plaza has 60 total parking spaces for the 12,000 SF plaza and we

are proposing 12 parking spaces for this location. Mr. Ouimet stated I still don't see how the numbers add up here. Mr. Roberts stated one concern that I have is that I think the owner of this plaza should be put on notice that if this gets out of hand with parking, the owner of the plaza is going to be limited on what other approvals he gets for this plaza. Mr. Watts stated the following: For Mr. Hancox's edification the plaza is very attractive and a good location. When that was originally proposed we raised our concerns relative to parking at that plaza on Route 9 because of the traffic from Plant Road and the point. At that time, and that is clear in our minutes from that time, that there was going to be a carpet sales place taking up the majority of the space and carpet sales places generally don't have a whole bunch of customers in there at a given time. Now that business plan has changed but the approval for the site and the square footage of the building by this Planning Board at that time was clearly based upon those issues. What we are pointing out to the owner plaza, and that is why I was very clear when I asked you if you were representing the owner of plaza because we did tell the owner that he should have somebody here to represent him. Mr. Hancox stated as I understand it was the economic downturn that has kind of prevented him from re-opening his former business. Mr. Watts stated the following: The economic downturn is not going to solve cars parking on Route 9 or whatever. Be that as it may, that is all part of a business process and business decisions. So what the Planning Board's concern is that we don't have parking where parking spills out of the lot. Mr. Hancox stated right, because there is no place for it to spill out at that plaza. Mr. Watts stated the following: So what we are saying is; we're trying to clarify down in words of one syllable the intensity of the use for this one operation and that has been more clearly defined. We're still counting the number of employees and the parking calculations because that is not a guarantee for the future. You indicated earlier that the applicant has rented several apartments for his 3 employees. Mr. Hancox stated the following: The applicant has rented an apartment for himself as well. The applicant is also only doing clients by appointment and it will not be a walk-in business. Mr. Watts stated I just wanted to clarify that if the Board chooses to approve, it is with the proviso that coming down the road if this spills out a little bit or there are other high intensity uses, that there may be vacant spaces in that plaza. Mr. Nadeau stated is it that this business will be approved but it will also dictate what other businesses are going to be able to be approved at this plaza. Mr. Watts stated exactly. Mr. Higgins stated I believe there is one other business that has been approved for this plaza and asked if that business was allotted 4 parking spaces. Mr. Watts stated yes, All In One Wireless was approved for this site. Mr. Higgins stated I think that we need to keep a running total of the parking at this site. Mr. Watts stated yes we will. Mr. Higgins asked is that based on 3 employees and they are proposing 12 parking spaces with the 3 employees? Mr. Watts stated correct. Mrs. Zepko stated that does meet the zoning for this plaza. Mr. Hancox stated the owner is aware that there is clearly no space for an overflow. Mr. Roberts asked if the monument sign was already up? Mr. Hancox stated yes. Mr. Roberts stated that monument sign has not received an approval from this Board and they need to make sure that the monument sign is not in the State right-of-way or the Town right-of-way and it has to be on private property. Mr. Hancox stated noted and the applicant wishes to make a change in the sign from fluorescent tubes to LED, which is more energy efficient and has the ability to be modulated. Mr. Watts asked is that in the application? Mr. Roberts stated no, I don't see it here. Mr. Hancox stated the original application was with the fluorescent tubes. Mr. Watts stated you would have to submit a new revised application.

Mr. Roberts made a motion to approve the change of tenant application for Will Nails contingent upon 12 parking spaces are allotted on-site for this use. Mr. Higgins seconded. Motion carried.

The sign application was tabled for the applicant to submit a new revised application.

Mr. Higgins made a motion to adjourn the September 28, 2009 Planning Board Meeting at 8:19 pm.
Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary